

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JONATHAN BUELTEL,

Defendant.

No. 11-CR-4135-DEO

**ORDER ACCEPTING REPORT
AND RECOMMENDATION
CONCERNING GUILTY PLEA**

I. INTRODUCTION AND BACKGROUND

Before the Court is Chief Magistrate Judge Paul A. Zoss' Report and Recommendation Concerning Guilty Plea (Docket No. 28, 02/28/2012).

On September 29, 2011, a one count Indictment (Docket No. 2) was returned in the above-referenced case against Defendant Jonathan Bueltel. On February 28, 2012, Defendant Jonathan Bueltel entered a guilty plea to Count 1 of the Indictment, pursuant to a plea agreement (Docket No. 26-1) before Chief United States Magistrate Judge Paul A. Zoss.

Count 1 of the Indictment charges that from a date unknown but in or before March 2011 and continuing through September 2011, in the Northern District of Iowa and elsewhere, defendant Jonathan Bueltel, did knowingly and unlawfully combine, conspire, confederate and agree, with

others whose identities are both known and unknown to the Grand Jury, to commit offenses against the United States, to wit: to knowingly, intentionally, and unlawfully distribute 1 gram or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD), a Schedule I controlled substance in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

This was in violation of Title 21, United States Code, Section 846.

The Report and Recommendation (Docket No. 28) recommends that defendant Jonathan Bueltel's guilty plea relating to count 1 be accepted. Waivers of objections to Judge Zoss' Report and Recommendation were filed by each party (Docket Nos. 29 and 30).

The Court, therefore, undertakes the necessary review to accept defendant Jonathan Bueltel's plea in this case.

II. ANALYSIS

A. Standard of Review

Pursuant to statute, this Court's standard of review for a magistrate judge's Report and Recommendation is as follows:

A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate [judge].

28 U.S.C. § 636(b)(1). Similarly, Federal Rule of Civil Procedure 72(b) provides for review of a magistrate judge's Report and Recommendation on dispositive motions and prisoner petitions, where objections are made as follows:

The district judge to whom the case is assigned shall make a de novo determination upon the record, or after additional evidence, of any portion of the magistrate judge's disposition to which specific written objection has been made in accordance with this rule. The district judge may accept, reject, or modify the recommendation decision, receive further evidence, or recommit the matter to the magistrate judge with instructions.

FED. R. CIV. P. 72(b).

As mentioned, waivers of objections to the Report and Recommendation have been filed, and it appears to the Court upon review of Chief Magistrate Judge Zoss' findings and conclusions that there are no grounds to reject or modify them.

IT IS THEREFORE HEREBY ORDERED that this Court accepts Chief Magistrate Judge Zoss' Report and Recommendation (Docket No. 28), and accepts defendant Jonathan Bueltel's plea of guilty in this case to Count 1 of the Indictment (Docket No. 2).

IT IS SO ORDERED this 2nd day of April, 2012.

Donald E. O'Brien
Donald E. O'Brien, Senior Judge
United States District Court
Northern District of Iowa